9-1986

The Advocate

The Advocate, Fordham Law School

The Advocate

FORDHAM LAW SCHOOL

VOL. 19 NO. 1 | © *THE ADVOCATE* | SEPTEMBER, 1986

MCLAUGHLIN HONORED

The honorable Joseph M. McLaughlin, United States District Court Judge of the Eastern District of New York, is the 1986 recipient of the Catholic Lawyers Guild's Charles Carroll Award. The award was presented by the Guild's president Gregory DeSousa, Esq. at the annual cocktail party held at the Netherlands Club on June 10.

An eighteen inch inscribed Revere Bowl is offered to honor distinguished jurists of the Catholic faith. As he presented the award, Mr. DeSousa commented that Judge McLaughlin's long and distinguished career in public service and academia make him an especially worthy recipient.

After graduating from Fordham Law School in 1959, Judge McLaughlin worked for the firm of Cahill, Gordon and Reindell until 1961 when he joined the faculty of Fordham Law School. Judge Mclaughlin became Dean of the Law School in 1971 and remained in that position until he was appointed to the federal bench on October 13, 1981.

An authority on New York Civil Practice and Evidence, the Judge has authored a number of books, including McKinney's Practice Commentaries to the CPLR. During his years as Dean, he wrote a monthly column for the New York Law Journal entitled "New York Trial Practice: Trends, Developments."

Throughout his career, Judge McLaughlin has served in a variety of advisory committees and boards and Law Revision Commission.

Judge McLaughlin is currenlty an adjunct professor at Fordham and St. John's Law Schools.

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MALONEY SWORN

On Monday, July 21, Andrew J. Maloney was formally sworn in as U.S. Attorney for the Eastern District of New York. Mr. Maloney's primary concerns are investigations into narcotics, organized crime, defense contract fraud and municipal corruption.

Municipal corruption, says Mr. Maloney, is of the utmost importance because it "involves the heart of the democratic process."

Narcotics investigations will concentrate on the suppliers rather than the street dealers. He attributes this priority to limited resources.

Mr. Maloney heads an office of seventy-five attorneys. Due to budget cuts, however, that number has been temporarily cut to seventy-one. While understanding the present budget restrictions, Mr. Maloney maintains that an increase in personnel is necessary and warranted.

The budget for the Eastern District is $8 million. He estimates that by the end of the year the office will have recovered about $20 million in fines, civil penalties and judgments.

"No matter how you figure it our office is a profit-making operation." says Mr. Maloney, "it doesn't make sense to force us to cut our personnel in view of our success in generating federal revenues." He intends to resist Congress's attempts to further cut personnel.

After graduating from Fordham Law School in 1961, then U.S. Attorney for the Southern District Robert M. Morgenthau appointed Mr. Maloney an assistant U.S. Attorney. He became Chief of the Narcotics and Racketeering Unit.

From 1972–74 he was the Justice Department's regional Director of the Northeast Region of Drug Abuse and Law Enforcement. The region included six districts in New York, New Jersey, Connecticut and Massachusetts.

Since 1974, Mr. Maloney has been a founding partner of the law firms of Maloney, Viviani & Higgins and Maloney and Kelly. He has been involved in a wide variety of federal litigation.

CRACO TAKES MULLIGAN

A record 150 second and third year students participated in the 1986 William Hughes Mulligan Moot Court Competition. Louis Craco was selected by the distinguished finals bench as best speaker. Mark Sidoti and Joseph McLaughlin were honored as best brief writers.

This year's problem was an appeal and cross-appeal before the Supreme Court of the State of Fordham in *The People v. Wisedale*, a murder prosecution. The first disputed issue was the application of statutory and constitutional wiretap standards to the intercepted cordless telephone conversations between the defendant and his brother. The second issue involved the application of a psychotherapist-patient privilege to defendant's conversations with his sex therapist.

Of the 108 teams who signed up, 77 teams submitted briefs. Each of the 150 students who participated argued twice in the preliminary rounds, and the top twenty-four advocates advanced to the quarterfinals. The quarterfinal cutoff mark was 85.67.

Eight quarterfinalists advanced to argue in the semifinals before New York Supreme Court Justice George Bundy Smith, United States Magistrate Kathleen Roberts, and Executive Director of the Legal Aid Society Archibald Murray.

In the finals on July 24, Sandra Cranshaw and Nancy Delaney argued for the people, and Louis Craco and Patricia Matzye argued for the defendant before the following distinguished jurists:

Chief Justice William H. Mulligan, Former Judge of the United States Court of Appeals for the Second Circuit; Dean of Fordham Law School 1956–1971.

Justice Joseph M. McLaughlin, Judge of the United States District Court of the Eastern District of New York; Dean of Fordham Law School 1971—1981.

Justice Raymond J. Dearie, Judge of the United States District Court of the Southern District of New York.

Additionally, the following students placed as semifinalists—Greg Harris, Phil Hirschorn, Barbara Flynn and Mark Schirmer; and quarterfinalists—Derek Adler, Lynn Desenberg, Elliot Bracher, Joe McLaughlin, David Sanderson, Jim Stronski, Catherine Bottiicelli, Carol Witschel, Rosanne Pennella, Stephen Fitzgerald, Judith Archer, Paul Carter, Michael Sullivan, Margaret Giordano, Mark Weeks, and Andrew Fishkin.

RIDE THE WAVE SEPT. 19

PORNOGRAPHY PER MEESE

By Hendrik Hertzberg

Guess what, Miss Liberty. Ed Meese has a birthday present for you. On July 3, a few hours before President Reagan flew north to officiate at the centennial celebration of the world's biggest female statue, his attorney general released the final report of his pornography commission.

The Attorney General's Commission on Pornography is designed to be the antithesis of its ancestor, the 1970 federal Commission on Obscenity and Pornography. If the old commission was the federal equivalent of Playboy, the new one is the equivalent of Hustler—low-budget, weak on fact checking, unsubtle and fascinated by the perverse.

The 1970 commission had a budget of $2 million to study the effects of pornography, under a Congressional mandate. It sponsored a wide range of original research by reputable scholars, and, in the end, called for repeal of laws against the sale and exhibition of sexual materials to consenting adults.

The 1986 commission, by contrast, had a budget of $400,000—around $150,000 in 1970 dollars. Its mission, as defined by Ed Meese, was to recommend "more effective ways in which the spread of pornography could be contained." The commission sponsored no original research, and its consultants were mostly policemen and anti-porn activists. Of its 11 members, six have well-established public records of supporting government action against sexy books and films. One is a Franciscan priest who has condemned Dr. Ruth Westheimer, the chirpy radio sex adviser, for advocating orgasms in premarital sex. Another is a religious broadcaster whose best-selling book, "Dare to Discipline"—a title that would not be out of place in the bondage section of an adult bookstore—advocates corporal punishment of children. The commission lacked the financial resources of its predecessor, but since its conclusions were preordained, it didn't really need them.

The Meese report recommend a long list of stern measures. They include changing obscenity laws to make any second offense a felony, with a mandatory one-year jail term; prosecuting producers of porn films under prostitution laws; and permitting the government to confiscate businesses that violate federal obscenity laws; (allowing, for example, the seizure of a convenience store for the sale of a dirty magazine).

The commission conducted its business in public, and it was quite a show. The commissioners heard 208 witnesses. They were subjected to slide shows that were—in the words of the two dissenting commissioners, "skewed to the very violent and extremely degrading," including, in one case, a picture of a man having sex with a chicken. They engaged in many a zany, aimless conversation, including one discussion of necrophilia during which a commissioner wondered aloud, "Is it legal to have sex with a corpse if you're married to it?"

"Victims" of porn who testified all blamed their troubles on pornography, though the connections were never clear. One of the most curious was a wispy, neatly dressed man of 38 who appeared, Bible in hand, at the commission's Miami hearing.

"I am a victim of pornography," he began. "At age 12, I was a typically normal, healthy boy. . . . The house we rented had a shed out back, and that's where I found a hidden deck of cards. All 52 cards depicted hard-core pornography. . . . These porno cards highly aroused me and gave me a desire I never had before."

The witness then detailed his subsequent record of wrongdoing, all of it, according to him, ascribable to the fatal deck of cards. From shoplifting, he descended to masturbation, anal intercourse with another teenage boy, peeping on his mother, "oral and finger stimulation on my parents' dogs," sex magazines ("I used to read Hugh Hefner's Playboy philosophy, and I am sure through his help I bought the program of the '60s, hook, line and sinker."), taking drugs, and—the ultimate degradation—"watching R-rated movies on HBO and Showtime cable." In conclusion, the witness solemly told the by-now stupefied commissioners, "If it weren't for my faith in God and the forgiveness of Jesus Christ, I would now possibly be a pervert, an alcoholic, or dead. I am a victim of pornography." It turned out that much of the man's testimony had been written by the commission's staff.

At the beginning of March, that same staff presented the commissioners with a draft of the final report. It quickly became apparent that this elephantine document, which included some 200 pages of lurid, unsubstantiated "victim" testimony—owed more than a little to the porno-card school of discourse. One commissioner, a University of Michigan law professor, protested. He noted that one publication cited in the draft was included only "because it was astoundingly gross, bizarre and disgusting." He called the section on constituional law "so one-sided and oversimplified that I cannot imagine signing anything that looks remotely like this." Finally, he wrote a whole new draft.

Shauer saved Meese from issuing a report that it would have been superfluous to ridicule. His draft became the basis for the commission's report. Though it has its share of howlers, on the whole it is reasonable and civilized in tone. Yet, it preserves the basic conclusion, which is that pornography is "harmful," and that therefore the police powers of the state should be mobilized to suppress it. However, pornography does not do nearly as much harm, the report admits in two places, as either "weaponry magazines" or "slasher" movies of the "Friday the 13th" variety.

The conclusion about porn is reached by a spectacularly tenuous chain of causation. For example, in laboratory studies, male college students were shown movies—in one case Lina Wertmuller's highly acclaimed "Swept Away"—and then were taken to mock rape trials. Afterward, in quesionnaires, the students who saw the movies seemed to show less sympathy for the rape complainants than those who did not see the movies. From this it is concluded that pornography causes—well, maybe not sex crimes, exactly, maybe not even a disposition to "unlawful" sexual aggressiveness, but something. (Never mind that Edward Donnerstein, the University of Wisconsin psychologist on whose findings the commission relies, has repudiated its interpretation of his work.)

If everything had worked out according to plan, the report was to be the signal for a gigantic national crusade against demon porn. It is already safe to predict that the crusade will fizzle. On June 10, the voters of the conservative state of Maine rejected, by a 2-to-1 margin, a statute that would have made it a crime to make, sell or promote obscene material.

Politicians are sure to take note of this result. While true believers such as Jeremiah Denton and Pat Robertson will continue to pound the table about porn, their more opportunistic colleagues will probably ease off. As for the president, he may make a Saturday-morning speech in order to placate the Meese constituency. But the old trouper—who divorced one actress and then married another after remarking that he was tired of not knowing the names of the starlets he was waking up next to—probably will refrain from expending much of his popularity on this issue.

Still, even if the report fails to touch off a national crusade, it is bound to help a decentralized but wider effort to constrict personal liberty. Most of the fuss over dirty books occurs at the local level, and is directed not at hard-core porn, but popular men's magazines. And the commission has shown the way here. Last February its executive director, Alan Sears, wrote to a number of companies informing them that the commission had "received testimony alleging that your company is involved in the sale or distribution of pornography." He added ominously, "Failure to respond will necessarily be accepted as an indication of no objection." A few weeks later, Southland Corp. removed Playboy and Penthouse from its 7-Eleven stores.

In some areas convenience stores are the only places magazines are sold. Playboy and Penthouse publish not only erotica but also what might be called politica. While nobody buys these magazines for the articles, the articles are sometimes read. Playboy and Penthouse are sources of faintly heretical ideas as well as sexy pictures, and their removal from their largest sales outlet by what amounts to government intimidation does not improve the political health of the country. Once it is established that indirect government pressure on magazines is okay, there is no guarantee that pressure won't be applied to publications that the ruling idealogues don't like for political reasons.

The Meese commission has failed to demonstrate that pornography constitutes a meaningful threat to the public interest. But even if some such showing could be made, the First Amendment contains no requirement that the speech it protects be harmless. On the contrary, speech that somebody thinks is harmful is the only kind that needs protection.

(Hendrik Hertzberg is a contributing editor of The New Republic.)

Reprinted from The New Republic

NEW FACULTY

The following individuals will join the faculty of the Fordham University School of Law:

Rovert J. Kaczorowski of the University of Cincinnati will be a Visiting Associate Professor of Law during the 1986–87 academic year. He will teach Remedies, Property and in the Fall, Legal History.

Professor Mark L. Davies of St. John's University School of Law will be Visiting Associate Profesor of Law during the 1986–87 academic year. He will teach Torts and Legal Writing.

Professor Carolyn Gentile, who is Chairperson of the New York State Law Revision Commission, will teach Labor Law.

Professor Walter Oberer of the University of Utah College of Law will be the Bacon-Kilkenny visitor during the 1987–88 academic year.

WELCOME

The Advocate

FORDHAM UNIVERSITY SCHOOL OF LAW

The Advocate is the official newspaper of Fordham Law School, published by the students of the school. The purpose of the Advocate is to report news concerning the Fordham Law School Community and developments in the legal profession, and to provide students with a medium for communication and expression of opinion.

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EDITORIAL

Welcome to the class of '89 and to all of you who are rejoining us. We hope that the summer has been prosperous, productive and, most importantly, FUN. This year promises to be better than ever. Our expanded facilities, the atrium, library and amphitheatre are monuments to the spirit of Fordham Law School. Leo T. Kissam, a 1923 graduate of the law school who founded the law firm of Kissam, Halpin and Genovese left his entire estate to the school. He was vice president of the alumni association and we are forever in his gratitude for helping to make Fordham what it is today. The library is named in his memory. Ned Doyle is also to be remembered for his generosity. Mr. Doyle ('31) founded the Doyle, Dane and Bernbach advertising agency and remained active in law school affairs. The new semi-circular wing is named in his honor. Ruth Whitehead Whaley graduated *cum laude* in 1927. She was the first black woman to practice law in the State of New York. An elementary school located at West 113 Street is named in her memory, and the Fordham BALSA chapter presents an award in her memory each year. These people and those featured in this month's edition epitomize the community spirit of Fordham Law School. That spirit that has taken her from a thirteen-student institution meeting in Collins Auditorium in the Bronx in 1905 to one of the foremost legal education institutions in the country. The examples of these great men and woman can help guide us through the long and difficult years ahead. Take advantage of all Fordham has to offer academically, socially and professionally. And have a great year.

AMPHITHEATRE DEDICATED

The James B. N. McNally Amphitheater was dedicated, on May 21, in memory of the late Justice to honor his sixty years of brilliance in the profession.

Speaking at the ceremonies John D. Feerick, Dean of Fordham Law School, ennumerated Justice McNally's long list of professional accomplishments. Justice McNally graduated Fordham Law School in 1920, created the Fordham Law Alumni Association in 1950 and served as its first president. He was a justice of the New York State Supreme Court and of the Appellate Division, First Department for more than thirty years; a delegate to the New York Constitutional Convention of 1938; the U.S. Attorney for the Southern District of New York by appointment of President Franklin Roosevelt and a member of the armed forces during both World Wars I and II.

The honorable Francis T. Murphy, Justice of the New York Supreme Court Appellate Division, characterized Justice McNally as "one of the greatest legal minds of our century" and his career as "a brilliant and eventful one." His contributions to law extended beyond the courtroom and into the classroom as a member of the original faculty of St. John's Law School from 1925 to 1938, and as a professor at the National College of State Judiciary from 1964 to 1972. The Reverend Joseph A. O'Hare, President of Fordham University, Justice Murphy and other guests noted Justice McNally's dedicated service as a lawyer, public servant, educator and humanitarian as Dean Feerick commented that "this amphitheater is but a modest recognition of our debt to him."

DERSHOWITZ GRADES THE COURT

Now that the Supreme Court's term is over, it is appropriate for a law profesor to submit his grades on its performance in the various subjects.

First, a brief travelogue over some of the terrain covered by the court affecting liberty, equality and due process. It is fitting to begin the grading process with a case involving high school students. The court ruled that a school could properly discipline a student for making a sexually suggestive speech at a high school election assembly. Both the speech and the Supreme Court's decision were pretty adolescent.

From the auditorium, we move to the bedroom, into which the Supreme Court stuck its collective nose in order that to rule that the states have the power to enforce anachronistic sodomy laws against consenting adult homosexuals. A perverse decision.

From the bedroom we move to the Army barracks, where the brass can now require a soldier to remove his yarmulke or other religious symbol that is not part of the regulation uniform. I wonder if the Brethren will soon make Justice Sandra O'Connor wear pants under her robe.

Now, we go to the lawyer's office, where a client used to be able to confide in his attorney. But during this past term the Supreme Court praised lawyers who threaten to squeal on their clients. Will lawyers who turn in their clients have to add the following warning to their business cards: "Caution—this lawyer may be hazardous to your freedom"?

From the lawyer's office, we move to the jury room in capital cases, which, even in the guilt-innocence phase of a death penalty case, will no longer contain citizens who strongly oppose capital punishment. A hanging court has increased the likelihood of hanging juries.

From the jury room, we go to the death house, where the Supreme Court ruled that in order to be executed, a prisoner must be sane. He need not have a lawyer to assert his insantiy—or even his innocence—while awaiting execution, but he cannot be executed while insane. Imagine the incentive that death-row inmates now have to return to sanity.

Off to the library, where radical feminists were trying to restrict our reading by enacting a statute that would have empowered any woman to prevent the publication of any sexually explicit book, magazine or other expression that "subordinates women." The Supreme Court struck down this Big Sister statute, thus allowing us to read Lady Chatterly's Lover and appreciate a Renoir painting. A victory of sense over censorship.

But if censorship lost in the library, it won in theaters and bookstores. The court ruled that cities and towns can zone adult theaters into the swamps and close down bookstores if they constitute public nuisances. The upshot is that smut still will be available for home use but will be harder to find.

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BURGER ADDRESSES A.B.A.

The Hon. Chief Justice of the U.S. Supreme Court Warren E. Burger was guest of honor and principle speaker at breakfast at the Waldorf-Astoria on August 10. The breakfast, sponsored by the Guild of Catholic Lawyers of the Archdiocese of New York in conjunction with the American Bar Association, followed a Red Mass at St. Patrick's Cathedral which was celebrated by His Excellency Bishop Edward M. Egan.

Chief Justice Burger, who has resigned from the Supreme Court effective this fall, spoke of the importance of this nation's history of religious freedom. He drew attention to the contemporary religious violence in Lebanon to illustrate the point that while he and Justice Brennan, who was also in attendance, may disagree on construction, they do agree that the Constitution forms the basis of a system of healthy disagreement and peaceful resolution of differences.

The Chief Justice, who's stated reason for his resignation is to take greater part in the upcoming bicentennial commemoration of the ratification of the U.S. Constitution, said that this should be an opportunity to remind people, and especially lawyers, of the "freedom flowing from the Constitution."

"At this time," said the Chief Justice, "the attention of the legal community is focused on the constitutional history and the documents that form its basis." He cited the Magna Carta and the Mayflower Compact, among others. The Compact, suggested Chief Justice Burger was a blueprint for how people should relate to each other. Through the Magna Carta, King John granted certain rights to the elite, but it had no effect on the great majority of the people.

"The Constitution, on the other hand, emanated from the people," said the Chief Justice. And for the first time, in a world where the freedoms of expression and religion were nonexistent, people were given these rights.

Although ratification was a long and difficult process, we are enjoying the product of the suffering and struggle of the Founding Fathers and their followers.

"Ratification in New York passed by a margin of three votes; in New Hampshire, by nine votes and in Virginia, the vote was 89 to 79. When Benjamin Franklin was asked what had transpired during Constitutional Convention, he replied, 'We created a republic, if we can keep it.' "

BRENNAN INTERVIEW

By Kathryn Kahler—Newhouse News Service Washington—The U.S. Supreme Court's foremost liberal, Associate Justice William J. Brennan Jr., remains confident the death penalty eventually will be ruled unconstitutional as cruel and unusual punishment under the eighth amendment.

The 80-year-old jurist believes capital punishment violates America's evolving standards of decency.

"The fact that the death penalty was an accepted form of punishment at the time the Eighth Amendment was added to the Constitution does not mean that in time it may not be regarded as violating the standards of decency that the society follows today," Brennan said in an interview with Newhouse News Service. "My view is that it already has reached that point. The government ought not to be doing God's work."

Only Brennan and Associate Justice Thurgood Marshall, the court's other liberal, would impose an unqualified ban on capital punishment.

The oldest and most senior member of the Supreme Court, Brennan said:

—He sees the erosion of Fourth Amendment protections as "unfortunate."

—He prays for the day when affirmative action plans will no longer be needed to correct past discrimination.

—He believes lawyers should always have at least one public interest project under way.

—He praised the growing reliance of state courts on state constitutions to give citizens broader civil liberties protections than the Supreme Court has under similarly worded federal provisions. "I think it's hard to deny that that's the most important development in constitutional jurisprudence," he said.

Brennan was appointed to the Supreme Court in 1956 by Republican President Dwight D. Eisenhower, who viewed him as a moderate. At the time he was a member of the New Jersey Supreme Court.

During his 30-year tenure, Brennan has played a major role in the extentions of basic rights to blacks, women and other minorities as well as the expansion of the First Amendment guarantees to the press.

He became a pivotal figure in the liberal majority under Chief Justice Earl Warren and wrote many of the decisions that became the hallmark of the country's social agenda.

"The Bill of Rights expresses the Fundamentals that mark this society for what it is . . . they really count for remarkable progress toward equality without regard for station in life," Brennan said.

Court observers say perhaps his most important ruling was Baker vs. Carr, the one man, one vote decision he wrote in 1962. In that ruling, the court held it could invalidate a state legislature's apportionment.

Respected even by his adversaries, Brennan's decisions have been scorned by conservatives. A 1984 article in National Review said: "There is no individual in this country, on or off the court, who has had a more profound impact upon public policy in the United States in the past 27 years."

Perhaps the strongest constitutional principle that underlies his judicial philosophy has been the protection of minorities against overriding majorities.

"If you appreciate our responsibility of interpreting and applying the Constitution to include the protection of minorities against overriding majorities, then necessarily decisions which do that may be quite unpopular with the majority," he said. "The framers purposely constituted the federal judiciary the way it did in order to be independent of the pressures of the majority."

In the court term that just ended, he wrote the majority opinions in two decisions approving of affirmative action plans to correct past discrimination. But Brennan can foresee a time when affirmative action plans may no longer be needed.

"I hope and pray for a day when one can look at another human being and never see the color of his skin," Brennan said.

Brennan often has been referred to as the consensus builder on the court, the justice most adept at reaching out to his colleagues in the center to establish a position that will gain the necessary five votes for a majority.

He shuns that description, calling it an "over appraisal."

"You do the best you can and if the point of view commands agreement, well, you're delighted," he said. "If it doesn't, you try again."

Brennan views the Constitution as a document that must be interpreted in the context of modern times. That interpretation underlies his view that the death penalty will be found unconstitutional as the society's standards change.

One example, he said, was the Brown vs. Bd. of Ed. decision which overruled the 1896 Plessy decision upholding separate but equal public facilities for blacks and whites. "The court found unconstitutional something that earlier had been sustained. That's the nature of our constitution."

The Fourteenth Amendment, which extended the Bill of Rights to the states and under which the right to privacy is given, is another evolving area of constitutional interpretation. During the first 100 years of the Amendment's existence, as the nation was an emerging industrial power, it primarily was applied by the court to problems of business regulation.

After World War II, the Fourteenth Amendment became the tool for the advancement and protection of individuals and the rights of minorities through the due process and equal protection clauses. It has provided the constitutional basis for such decisions as the 1973 ruling legalizing abortion.

Brennan said he doubted that the Fourteenth Amendment would be applied to other areas.

Dershowitz

Continued from p.4

Now one for the feminists and others who believe in a woman's right to choose abortion (though some who advocate such a choice are the most outspoken enemies of choice when it comes to reading). The Supreme Court struck down laws that would have placed barriers in the way of a woman seeking an abortion. A victory for the freedom-of-choice movement over the right-to-life movement.

Then we go to the work place, where the justices upheld affirmative-action programs designed to make it easier for minority groups who historically had been discriminated against to obtain adequate representation in the work place. A victory for group rights over individual rights.

All in all, it was an other mixed year for the justices. The quality of their opinions ranged from abysmal to brilliant, with some of the good ones being written by members of both the right and left wing, and some bad ones being written by the centrists. Nearly all of Chief Justice Warren Burger's opinions were rambling and confused. He will be greatly missed by law professors looking for easy marks to criticize.

In terms of impact on the daily lives of Americans, the court's 1985–86 decisions were also decidedly mixed. Those accused of crimes have somewhat fewer rights, but this will have no discernible effect on the safety of our streets. Nor will the crime rate be affected by the continued availability of adult erotica, despite what the Meese Commission and some judicial pronouncements say about the relationship between smut and violence.

None of the above major judicial disputes were resolved with finality, though some directions were marked.

My grade for this term is a "B." I may want to upgrade that evaluation after we have had an opportunity to compare the final term of the Burger Court with the opening term of the Rehnquist Court. I may become nostalgic about the zigzag course taken by Supreme Court under the rudderless chief justiceship of Warren Burger.

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Good Places To Get Beer

By Jordan Becker (graduate)

One of the most important things about going to school as opposed to working is that it is generally easier to drink. In fact many people belive that it is impossible to get through law school without alcoholic assistance. While I don't personally think that it is *necessary* to drink, I will say that it is helpful. My favorite drink is beer. Good beer, especially—not the usual junk that passes for beer in this country, although it will do in a pinch. Anyway, this article will discuss some places that serve or make good beer.

The first stop on the beer parade is the Peculier Pub. It is on West 4th Street Between Sixth and Seventh Avenues in the Village. What make the Peculier Pub a Good Place To Get Beer (GPTGB) is variety. Th menu includes over 200 different countries ranging from obvious, like Germany or Holland, to less obvious places like Singapore and Korea. The beers range in price up to about six dollars, which is a bit steep when I am paying. I went to the Peculier Pub with three other beer mavens (a yiddish word roughly meaning "expert") who will be known as The Doctor, Jimbo and The NYU Kid. Each of us samples three different beers and tasted all that were ordered. Some of the winners and losers were: Newcastle Brown Ale, a typical English Ale with a good malty taste, but not too sweet. This is one of yours truly's favorite beers. Also, Pilsner Urquell, which is no surprise as it is a world famous Czech beer. In a fit of pretension, The NYU Kid stated, "Sharp . . . but has the mellowness of good . . . English beer." An excellent beer with a fine taste. On the other hand there was Quisqueya from the Dominican Republic. This brew was "like drinking quinine water" (The NYU Kid). Or Maccabee, from Israel (or He-brew, if you'll pardon the pun). It was bland and flat, sort of like "Bud" (Jimbo).

The greatest controversy of the night concerned something called "Jimmy's Rainbow" from West Germany. The menu described it as the "very sweet malt taste of EKu 28 (the strongest beer in the world, really) with the tart flavor of Pinkus Weiss make a perfectly balance (sic) beer." Personally, I thought it tasted like low quality bourbon mixed with flat Coke. The Doctor found it too sweet for his palate, while The NYU Kid liked it. But what does he know anyway?

After finishing up at the Peculier Pub, and replacing The Doctor with The Managing Editor, we made our way across town to the legendary McSorley's Old Ale House, located on East 7th Street between Second and Third Avenues, also in the Village. Founded in the mid-1800's, McSorley's is definitely old. It also has not been cleaned since the day it opened, or so it appears. What makes McSorley's a GPTGB is the hardcore drinking atmosphere and the dark beer. Much of the atmosphere comes from the walls that apparently include any picture or sign or award that the bar has received since it opened. So there are pictures of presidents going way back, old baseball players, etc. McSorley's also is usually filled with loud, annoying fraternity types and lots of people who look remarkably young for nineteen, if you get my drift. This can, if you are in the proper mood, make for an atmostphere that is conducive to serious drinking, although at this point in my life it doesn't always work. Anyway, the beer is always good. They only have two kinds, dark and light, proving that quantity of beer types does not define a GPTGB.

The light beer is o.k., it has slightly sour taste, but not unpleasantly so—in fact it is quite good. However the key to drinking at McSorley's is the dark. It is tasty, smooth and creamy. It may, in fact, be too easy to drink, although that thought usually doesn't appear until the next morning. One of the idiosyncrasies of McSorley's is their rule against serving single beers. Their mugs are small and they insist that you order at least two. Though ten to twenty is more common. The beers cost 75 cents each, so the price is certainly right.

The beer drinking extravaganza renewed the next week. I started off with a special Flanders beer tasting at the Princeton Club, just to get the ball rolling. Technically speaking, the Princeton Club is NOT a GPTGB, although it was on this night. Of 11 beers that I tasted only one, a cherry beer, was lousy. The other 10 ranged from good to phenomenal, and all were interesting. This digression is only to point out that if you see Flemish beer, it will probably be worth drinking. Anyway, we then went to the brand-new New Amsterdam Tap Room, located on Eleventh Avenue and 26th Street.

The Tap Room is a cavernous white room that still smells like paint. The lure of the Tap Room is the New Amsterdam Beer, available in delis and restaurants, and the Ale, which is only available at the Tap Room. New Amsterdam Beer is one of the best American beers made. It consistently wins prizes and competitions, and it deserves to. The beer and ale are botgh amber colored with a rich spice taste. The beer is a bit heavier than the ale, which has a sharper taste. The group of mavens at the Tap Room, which included The Doctor, Jimbo, The NYU Kid, The J, Ms. F-B, and the Three Sisters. All were impressed by the taste of the various beers, and the food which was moderately priced, although there were no fries.

We were treated to a tour of the brewery by the "inventor of the beer," Matthew Reich. Now, the beer is brewed in Utica, but soon it will be rescued and brought here and, we were told, brewing will begin in a couple of months. Mr. Reich was grilled mercilessly by me and The NYU Kid, as to whether the owners expected trouble luring people to a pretty deserted neighborhood. He seemed confident, and I heartily recommend a trip down to the Tap Room for excellent beer.

Finally, I would like to discuss the Manhattan Brewery, located on Thompson and Broome Streets in So Ho. Although my deadline (and new job) made it impossible to make a special trip down to review I have been there enough to wing it. On my first visit to the Brewery, many pints ago, I realized that it had the right amount of sleaziness (sawdust on the floor, people yelling) to somewhat obscure the yuppiness. I guess it is kind of like a cross between McSorley's and a fern bar. Anyway, the atmosphere is pleasant, buit it is the beer that makes the Brewery a GPTGB. I have tried their amber beer, which is somewhat like New Amsterdam or Grolsch, the brown ale, which is smooth and reminiscent of English brown ales, the pale ale, which is closest to American beer, the gold ale, which has a sharper taste than the pale ale, and the porter, which is dark and compares favorably with any dark beer, except for Guinness, that I have had. The beer is served in large pint mugs or in smaller glasses, for wimps.

One problem with the Brewery is the food, which is at best, mediocre, although I hear that the chicken wings are good. So if you are in the neighborhood, go to another restaurant, like Tennessee Mountain (great ribs) and drink at the Brewery.

CRAFTS

The third annual Autumn Crafts Festival will be held on Sat., August 30 through Mon., September 1 and on the following weekend, Sat., September 6 and Sun., September 7 from 11 am to 6 pm on the Robert Moses Plaza.

Some 250 crafts from across the United States, including decorative and functional ceramics, jewelry, glass, leather, wood and fiber, clocks and coppersmithing will be displayed throughout the two weekends. The festival will also feature live entertainment and refreshments.

Autumn Crafts Festival is sponsored by the American Concern for Art and Craftsmanship, a nonprofit organization. For more information, contact Paul Weingarten, festival coordinator, at (201) 746-0091.

PUBLICATION GUIDELINES

1. All copy must be TYPED and DOUBLE-SPACED.
2. Deadlines will be approximately the FIFTEENTH of each month. Specifics will be posted.
3. Submission does not guarantee immediate publication. The editors reserve the right to reject or edit copy at their discretion.

EVENTS:

- FLW Reception, Sept. 5
- Upper Class Awards Assembly, Sept. 16
- Deans Day, Sept 27